

109TH CONGRESS
2D SESSION

S. 3526

To amend the Indian Land Consolidation Act to modify certain requirements under that Act.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2006

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Indian Land Consolidation Act to modify certain requirements under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Land Consoli-
5 dation Act Amendments of 2006”.

6 **SEC. 2. DEFINITIONS.**

7 Section 202 of the Indian Land Consolidation Act
8 (25 U.S.C. 2201) is amended—

9 (1) in paragraph (4)—

10 (A) by inserting “(i)” after “(4)”;

1 (B) by striking “‘trust or restricted inter-
 2 est in land’ or” and inserting the following:

3 “(ii) ‘trust or restricted interest in land’ or”;

4 and

5 (C) in clause (ii) (as designated by sub-
 6 paragraph (B)), by striking “an interest in
 7 land, title to which” and inserting “an interest
 8 in land, the title to which interest”; and

9 (2) by striking paragraph (7) and inserting the
 10 following:

11 “(7) the term ‘land’—

12 “(A) means any real property; and

13 “(B) for purposes of intestate succession
 14 only under section 207(a), includes, with re-
 15 spect to any decedent who dies after July 20,
 16 2007, the interest of the decedent in any im-
 17 provements permanently affixed to a parcel of
 18 trust or restricted lands (subject to any valid
 19 mortgage or other interest in such an improve-
 20 ment) that was owned in whole or in part by
 21 the decedent immediately prior to the death of
 22 the decedent;”.

23 **SEC. 3. DESCENT AND DISTRIBUTION.**

24 Section 207 of the Indian Land Consolidation Act
 25 (25 U.S.C. 2206) is amended—

1 (1) in subsection (a)(2)(D)—

2 (A) in clause (i), by striking “clauses (ii)
3 through (iv)” and inserting “clauses (ii)
4 through (v)”; and

5 (B) by striking clause (v) and inserting the
6 following:

7 “(v) EFFECT OF PARAGRAPH; NON-
8 APPLICABILITY TO CERTAIN INTERESTS.—
9 Nothing in this paragraph—

10 “(I) limits the right of any per-
11 son to devise any trust or restricted
12 interest pursuant to a valid will in ac-
13 cordance with subsection (b); or

14 “(II) applies to any interest in
15 the estate of a decedent who died dur-
16 ing the period beginning on the date
17 of enactment of this subclause and
18 ending on July 20, 2007 (or the last
19 day of any applicable period of exten-
20 sion authorized by the Secretary
21 under clause (vi)).

22 “(vi) AUTHORITY TO EXTEND PERIOD
23 OF NONAPPLICABILITY.—The Secretary
24 may extend the period of nonapplicability
25 under clause (v)(II) for not longer than 1

1 year if, by not later than July 2, 2007, the
 2 Secretary publishes in the Federal Register
 3 a notice of the extension.”;

4 (2) in subsection (c)(2), by striking “the date
 5 that is” and all that follows through the period at
 6 the end and inserting the following: “July 21,
 7 2007.”; and

8 (3) in subsection (o)—

9 (A) in paragraph (3)—

10 (i) by redesignating subparagraphs
 11 (A) and (B) as clauses (i) and (ii) and in-
 12 denting the clauses appropriately; and

13 (ii) by striking “(3)” and all that fol-
 14 lows through “No sale” and inserting the
 15 following:

16 “(3) REQUEST TO PURCHASE; CONSENT RE-
 17 QUIREMENTS; MULTIPLE REQUESTS TO PUR-
 18 CHASE.—

19 “(A) IN GENERAL.—No sale”; and

20 (iii) by striking the last sentence and
 21 inserting the following:

22 “(B) MULTIPLE REQUESTS TO PUR-
 23 CHASE.—Except for interests purchased pursu-
 24 ant to paragraph (5), if the Secretary receives
 25 a request with respect to an interest from more

than 1 eligible purchaser under paragraph (2),
 the Secretary shall sell the interest to the eligi-
 ble purchaser that is selected by the applicable
 heir, devisee, or surviving spouse.”;

(B) in paragraph (4)—

(i) in subparagraph (A), by adding
 “and” at the end;

(ii) in subparagraph (B), by striking
 “; and” and inserting a period; and

(iii) by striking subparagraph (C);

and

(C) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause

(i), by striking “auction and”;

(II) in clause (i), by striking
 “and” at the end;

(III) in clause (ii)—

(aa) by striking “auction”
 and inserting “sale”;

(bb) by striking “the inter-
 est passing to such heir rep-
 resents” and inserting “, at the
 time of death of the applicable
 decedent, the interest of the dece-

1 dent in the land represented”;

2 and

3 (cc) by striking the period at

4 the end and inserting “; and”;

5 and

6 (IV) by adding at the end the fol-

7 lowing:

8 “(iii)(I) the Secretary is purchasing
9 the interest as part of the program author-
10 ized under section 213(a)(1); or

11 “(II) after receiving a notice under
12 paragraph (4)(B), the Indian tribe with ju-
13 risdiction over the interest is proposing to
14 purchase the interest from an heir that is
15 not a member, and is not eligible to be-
16 come a member, of that Indian tribe.”;

17 (ii) in subparagraph (B)—

18 (I) by striking “(B)” and all that
19 follows through “such heir” and in-
20 serting the following:

21 “(B) EXCEPTION; NONAPPLICABILITY TO
22 CERTAIN INTERESTS.—

23 “(i) EXCEPTION.—Notwithstanding
24 subparagraph (A), the consent of the heir
25 or surviving spouse”;

1 (II) in clause (i), by inserting “or
2 surviving spouse” before “was resid-
3 ing”; and

4 (III) by adding at the end the
5 following:

6 “(ii) NONAPPLICABILITY TO CERTAIN
7 INTERESTS.—Subparagraph (A) shall not
8 apply to any interest in the estate of a de-
9 cedent who dies on or before July 20, 2007
10 (or the last day of any applicable period of
11 extension authorized by the Secretary
12 under subparagraph (C)).”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(C) AUTHORITY TO EXTEND PERIOD OF
16 NONAPPLICABILITY.—The Secretary may ex-
17 tend the period of nonapplicability under sub-
18 paragraph (B)(ii) for not longer than 1 year if,
19 by not later than July 2, 2007, the Secretary
20 publishes in the Federal Register a notice of the
21 extension.”.

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